

## **REMARKS**

The application currently contains claims 1-36, 39-41.

## **DRAWINGS**

The examiner stated that the drawings are objected to since the specification does not refer to character number 120. Applicant hereby amends the specification by adding the number 120 to the description of figure 9 referring to the ordnance transfer assembly. Further, the ordnance transfer assembly is disclosed in the claims as element 32 of figure 3. Applicant further amended the text describing figure 3 to distinguish between the ordnance transfer assembly (32) and the cradle (42).

## **CLAIM REJECTIONS – 35 USC 112**

The examiner states that claims 37-38 are based on a disclosure which is not enabling. Claims 37-38 have been cancelled with prejudice.

The examiner further states that claims 3 and 14-17 are indefinite as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 has been amended and provides that the cradle is mounted externally to the ordnance transfer assembly. Claim 14 provides for a telescopic tube in which the innermost tube is linked to the second aerial vehicle to which the ordnance units are transferred. The amended claim 16 provides that the ordnance carrier cradle comprises gripping arms to secure ordnance units to the cradle.

The indefiniteness of claims 15 and 17 is unclear in view of the examiner's Office Action.

## **CLAIM REJECTIONS – 35 USC 102**

The application contains claims 1-41. Claims 1, 3, 14, 16 and 28 have been amended. Claims 37, 38 have been cancelled

The Examiner rejected claims 1-5, 7, 22, 25, 28-33, 39 and 41 under 35 U.S.C. 102(b) as being anticipated by Minovitch, US patent number 5,103,712 (hereafter Minovitch). Applicant hereby traverses the Examiner's statement. Minovitch discloses an apparatus for transferring live ammunition, such as 30mm cannon shells (see col. 2, lines 30-32) via a flexible belt. The flexible belt 14 of Minovitch is provided as part of a tubular conveyor 10, through which the ammunition is provided to the receiving aircraft vehicle (see col. 2 lines 59-60, the shell 46 is carried through the conveyor 10). The flexibility of the apparatus is also supported by figures 4 and 5. The method of transferring ammunition through the flexible tubular conveyor is also shown in figures 4 and 5 (see tubular conveyor 68).

The Examiner rejected claims 1, 3-5, 13, 28-33 and 37-41 under 35 U.S.C. 102(b) as being anticipated by Roberge, US patent number 3,167,278 (hereafter Roberge). Applicant hereby traverses the Examiner's opinion. The apparatus disclosed in Roberge provides for transferring ordnance via a tow cable (see 16 of figure 1). The cable is elastic and flexible as can be seen from the figures, and does not contain rigid movement guidance bars disclosed in claim 1. Further, Roberge does not disclose any ordnance transfer assembly of figure 1 ordnance-carriage-cradle (110 of figure 9 of the examined application) claimed in claim 3. As a result, both claim 1 and 3 are new and stand the rejection of Roberge.

The Examiner rejected claims 1-5, 12, 28-33 and 39-41 under 35 U.S.C. 102(b) as being anticipated by Inatomi, Japanese patent number 01254494 (hereafter Inatomi). Applicant hereby traverses the Examiner's opinion.

None of the references provided by the examiner disclose a cradle which holds the ordnance unit from the first airborne vehicle to the second airborne vehicle. The examiner provides for a substitute of a cradle which stores the ordnance units before transferred to the receiving airborne aerial vehicle. As such, **Minovitch** provides for storage magazine in the and first aerial vehicle but the ordnance units are not held from the first aerial vehicle to the second aerial vehicle as provided by the CRADLE. The tube used for

transferring the ammunition does not hold the ordnance units as disclosed in the amended claim 1, but solely provides for passage of the units from one aerial vehicle to another. Further, the mechanism of Minovitch does not provide for holding the ordnance units outside the ordnance transfer assembly. Minovitch holds the ordnance units in a tubular conveyor 10, as the ordnance is held **INSIDE** the conveyor, not outside the conveyor as provided in the amended claim 1.

Examiner rejected the argument of transferring the ordnance externally to the ordnance transfer assembly. Applicant amended the claim to clarify that the transfer between the first aerial vehicle and the second aerial vehicle is done externally to the ordnance transfer assembly. The examiner interpreted the claim as the phase between a location outside the first aerial vehicle to the first aerial vehicle. However, the amended claim refers to transferring the ordnance units from the first aerial vehicle to the second aerial vehicle externally to the ordnance transfer assembly.

**Roberge** does not provide for a cradle for holding ordnance units from the first aerial vehicle to the second aerial vehicle, but only prior to transferring the ordnance units. Roberge does not disclose transferring the ordnance units on a cradle from a first aerial vehicle to a second aerial vehicle. As a result, amended claims 1 and 28 are novel in view of Roberge. None of the references provides for a mechanism that holds the ordnance units externally of the ordnance transfer assembly at least a portion of the pathway between the first and second aerial vehicles.

As for **Inatomi**, figure 1C provides for a rod holding an ordnance unit transferred from one aerial vehicle to another. There is no other numbering or reference to another module or mechanism used for transferring the ordnance unit between the aerial vehicles. As a result, it cannot be said that Inatomi provides for a cradle to hold the ordnance units while transferred between the first aerial vehicle and the second aerial vehicle.

Claim 3 of the amended set of claims provides for positioning the cradle externally to the ordnance transfer assembly, hence the size of the ordnance units are not limited in

size when transferred between the first aerial vehicle and the second aerial vehicle. Transferring ordnance on a cradle holding the ordnance units between the first aerial vehicle and the second aerial vehicle, while the size of the ordnance unit is not limited to the size of the ordnance transfer assembly (equivalent to the rod of both Minovitch and Roberge) is not provided nor taught by neither Minovitch nor Roberge.

As for claim 28, applicant amends the claim to add a limitation stating that the at least one ordnance unit is transferred externally to the extendible arm and held by the cradle from the first aerial vehicle to the second aerial vehicle. This is significantly different than Minovitch that provides a tube through which the ordnance units is transferred to the airborne vehicle. As a result, the method disclosed in claim 28 is new in view of Minovitch.

Claim 28 is also rejected by Roberge. The cradle is used for holding the ordnance units transferred from the first aerial vehicle to the second aerial vehicle, as shown for example in figure 9 of the examined application. Both limitations of the extendible arm and the cradle are not disclosed by Roberge, and as such the method of claim 28 is new and unobvious in view of Roberge.

Similarly, claim 28 is new in view of Inatomi, since the cradle is not shown in the drawings, which show ordnance unit mounted on a rod, but does not provide for a mechanism on the rod that holds the ordnance unit from the first aerial vehicle to the second aerial vehicle.

### **CLAIM REJECTIONS – 35 USC 103**

The Examiner rejected claims 6 and 8-10 under 35 U.S.C. 103(a) as being unpatentable over Minovitch (US patent number 5,103,712) in view of Von Thai et al (US Patent no. 6,651,933).

The Examiner rejected claims 12 and 14-17 under 35 U.S.C. 103(a) as being unpatentable over Minovitch (US patent number 5,103,712) in view of Rodriguez et al (US Patent no. 5,243,896).

The Examiner rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Minovitch (US patent number 5,103,712) in view of Czajkowski et al (US Patent no. 3,768,415), rejected claim 27 under 35 U.S.C. 103(a) as being unpatentable over Minovitch (US patent number 5,103,712) in view of Lounge et al (US Patent application publication no. 2002/0079407) and claims 23-24, 26 under 35 U.S.C. 103(a) as being unpatentable over Minovitch (US patent number 5,103,712). These claims depend on claim 1 and are therefore non-obvious since they contain limitations not disclosed in the references cited by the examiner, as disclosed above.

It should be emphasized that the tubular conveyor 68 of Minovitch cannot function as a cradle since the conveyor does not hold the ordnance unit, but only acts as a passageway. Such cradle is claimed in claims 1, 3, 13, 16, 17, 28 36 and 40. Similarly, Roberge and Inatomi do not provide or show similar cradles, as noted above. The cradle as claimed in the independent claims is not obvious for a person skilled in the art. Further, since such mechanism for holding the ordnance unit from a first aerial vehicle to a second aerial vehicle is not disclosed in any of the references cited by the examiner, the claim should be allowed by MPEP 2143.

Claims 2-10, 12-17, 22-27, 29-33 and 39-41 depend from claims 1 and 28 and, for at least the reason of such dependence, are also patentable over the cited art as cited by the examiner.

Examiner is hereby requested to allow the claims.

Respectively submitted,

/Daniel SCHATZ/



Registration No. 59537

